

U.S. Department of Homeland Security
500 12th Street, S.W., STOP 5009
Washington, DC 20536-5009



**U.S. Immigration
and Customs
Enforcement**

May 16, 2012

THEODORE FOLKMAN
MURPHY & KING
ONE BEACON ST., 21ST FLOOR
BOSTON, MA 02108

Re: 2012FOIA7039

Dear Mr. Folkman:

This is the final response to your Freedom of Information Act (FOIA) request to U.S. Immigration and Customs Enforcement (ICE), dated February 8, 2012. You have requested records pertaining to statements made by the victims in the case of United States v. Perlitz No. 09-CR-207.

Your request has been processed under the FOIA, 5 U.S.C. § 552.

A search of the ICE Office of Homeland Security Investigations (HSI) for documents responsive to your request revealed that the matter is part of an ongoing investigation and therefore will be withheld in its entirety pursuant to Exemption 7(A) of the FOIA as described below.

FOIA Exemption 7(A) protects from disclosure records or information compiled for law enforcement purposes, the release of which could reasonably be expected to interfere with enforcement proceedings. I have determined that the information you are seeking relates to an ongoing law enforcement investigation. Therefore, I am withholding all records, documents, and/or other material, which if disclosed prior to completion, could reasonably be expected to interfere with law enforcement proceedings and final agency actions related to those proceedings. Please be advised that once all pending matters are resolved and FOIA Exemption 7(A) is no longer applicable, there may be other exemptions which could protect certain information from disclosure, such as FOIA Exemptions 5, 6, 7(C), 7(D), and 7(E).

You have the right to appeal ICE's withholding determination. Should you wish to do so, send your appeal and a copy of this letter to: U.S. Immigration Customs Enforcement, Office of Principal Legal Advisor, U.S. Department of Homeland Security, Freedom of Information Office, 500 12th Street, S.W., Stop 5009 Washington, D.C. 20536-5009, following the procedures outlined in the DHS regulations at 6 C.F.R. § 5.9. Your appeal must be received within 60 days of the date of this letter. Your envelope and letter should be marked "FOIA Appeal." Copies of the FOIA and DHS regulations are available at www.dhs.gov/foia.

The Office of Government Information Services (OGIS) also mediates disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. If you are requesting

access to your own records (which is considered a Privacy Act request), you should know that OGIS does not have the authority to handle requests made under the Privacy Act of 1974. If you wish to contact OGIS, you may email them at ogis@nara.gov or call 1-877-684-6448.

Provisions of the FOIA and Privacy Act allow us to recover part of the cost of complying with your request. In this instance, because the cost is below the \$14 minimum, there is no charge.¹

If you need to contact our office about this matter, please refer to FOIA case number **2012FOIA7039**. This office can be reached at (202) 732-0600 or (866) 633-1182.

Sincerely,


Catrina M. Pavlik-Keenan
FOIA Officer

¹ 6 CFR § 5.11(d)(4).